

OFFICE OF THE CLERK
 UNITED STATES COURT OF APPEALS
 FOR THE FIRST CIRCUIT
 UNITED STATES COURTHOUSE
 1 COURTHOUSE WAY, SUITE 2500
 BOSTON, MA 02210
 (617) 748-9057

RE: 05-2033 Genovezos v. Hodgson, Sheriff (District Court #04-12242)

To Be Filed By: 7/27/05

2005 AUG -4 P 12:01

PRISONER TRUST ACCOUNT REPORT

Name: MAKK GENOVEZOS

NUMBER: 120562

TO: Trust Officer

FROM: Clerk, U.S. Court of Appeals for the First Circuit

Under the Prisoner Litigation Reform Act, a prisoner appealing a civil judgment must obtain from the trust officer of each institution in which the prisoner was confined during the preceding six months a **certified copy** of the prisoner's trust account statement for the six months prior to filing of the appeal.

Please complete this form, attach the supporting ledger sheets, and return these documents to the prisoner for mailing to the court in advance of the due date shown at the top of the form.

DATE OF FILING NOTICE OF APPEAL:

7/6/05

BALANCE at time of filing notice of appeal:

0

AVERAGE MONTHLY DEPOSITS during the six months prior to filing of the notice of appeal:

0

AVERAGE MONTHLY BALANCE during the six months prior to filing of the notice of appeal:

0

I certify that the above information accurately states the deposits and balances in applicant's trust account for the period shown. The attached ledger sheets for the six-month period prior to 7/6/05 are true copies of account records maintained in the ordinary course of business.

DATE: 08/02/05

AUTHORIZED SIGNATURE:



NAME AND TITLE:

LORRAINE J. ROUSSEAU, ESQ.

ADDRESS:

BRISTOL COUNTY SHERIFF'S OFFICE
400 FAUNCE CORNER RD
NORTH DARTMOUTH, MA 02747

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 05-2033

2005 AUG -4 P 12:01

MARK A. GENOVEZOS
Plaintiff - Appellant

FILED IN CLERKS OFFICE
US COURT OF APPEALS
FOR THE FIRST CIRCUIT

v.

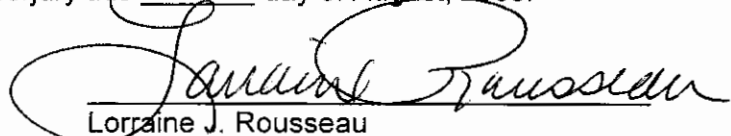
THMOAS M. HODGSON, SHERIFF; JAMES P. KELLY, Deputy
Superintendent; JOHN POPE, Law Librarian Staff;
PETER BERTHIAUME, Medical Staff
Defendants - Appellees

AFFIDAVIT OF LORRAINE J. ROUSSEAU, ESQ.

I, Lorraine J. Rousseau, under oath, do hereby depose and say the following:

1. My name is Lorraine J. Rousseau. I am an attorney duly licensed to practice in the Courts of the Commonwealth and employed by the Bristol County Sheriff's Office, 400 Faunce Corner Road, North Dartmouth, MA 02747.
2. This Affidavit is filed in response to the Order of Court, dated July 26, 2005, ordering the Bristol County Sheriff's Office to sign and return PLRA Form 4 along with a certified copy of the appellant's prison trust account statement.
3. The appellant has been confined in the custody of the Bristol County Sheriff's Office from September 15, 2004 to the present. An Inmate Money Account was opened for the Appellant on September 17, 2004.
4. I have reviewed the appellant's Inmate Money Account for the period of September 17, 2004 to the present. Pursuant to said review of the appellant's account, there have not been any deposits made to his account while confined in the custody of the Bristol County Sheriff's Office.
5. The appellant's Inmate Money Account balance has been zero (\$0.00) from September 17, 2004 to the present. The signed PLRA Form 4 is returned herewith indicating a zero balance.
6. However, since no funds have been deposited in the appellant's Inmate Money Account, the Canteen Manager system cannot generate an account ledger. Alternatively, a photocopy of the computer screen displaying the "Inmate Maintenance" page of the Canteen Manager System is attached hereto showing a zero account balance. (Exhibit A)

Signed under the pains and penalties of perjury this 3rd day of August, 2005.


Lorraine J. Rousseau

Last User: DMP

General		Sales	Transactions	On Hold	Ledger	Debits	Notes
ID	122562	Last	GENOVEZZOS	First	MARK	Middle	AKA
						A	
Inmate	DAR	Classification	J	DOB	04/27/1961		
Cell block	FB	Property #		SS #	018-54-2918		
Cell		Restrict Level		Sex	M		
Bed	H05	PIN		Race			
Acct Balance	0.00	Spent - Day	0.00	Book Date	09/15/2004		
Last Purchase	/ /	Spent - Week	0.00	Release Date	/ /		
<input type="checkbox"/> Disciplinary	/ /	Held Amt		<input checked="" type="checkbox"/> Taxable	<input type="checkbox"/> Notes		
<input checked="" type="checkbox"/> Indigent	09/17/2004			<input type="checkbox"/> Freeze	<input type="checkbox"/> Exempt		
Comments: <input type="text"/>							
Display Released							

NUM CAPS

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

RE: 05. Genovezos v. Hodgson, Sheriff (District Court #04-12242)

To Be p By: 7/27/05

2005 JUL 25 P 1:40

PRISON LITIGATION REFORM ACT (PLRA) CONSENT FORM:
CONSENT TO COLLECTION OF FEES FROM INMATE TRUST ACCOUNT
CLERK'S OFFICE
FOR THE FIRST CIRCUIT

I, Mark Genovezos, # 122562, hereby give my consent that upon entry of a court order approving my application to proceed without prepayment of fees and setting the amount of the initial partial appellate filing fee, the appropriate prison officials shall collect from my prison account and pay to the appropriate district court an initial payment of twenty percent of the greater of:

- (a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my notice of appeal; or
- (b) the average monthly balance in my account for the six-month period immediately preceding the filing of my notice period.

In satisfaction of the balance of the filing fee, I consent for the appropriate prison officials to collect from my account, on a monthly basis, an amount equal to twenty percent of the income credited to my account for the preceding month if the balance in the account for that month exceeds \$10. The appropriate officer shall forward the interim payment to the Clerk's Office,

U.S. District Court of MA
1 Courthouse Way
Boston, MA 02210

until such time as the filing fee* is paid in full.

Executed on the 18 day of July 2005.

Mark Genovezos
SIGNATURE OF APPELLANT

MARK GENOVEZOS
PRINT NAME

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

610

RE: 05-2033 Genovezos v. Hodgson, Sheriff (District Court #04-12242)

To Be Filed By: 7/27/05

2005 JUL 25 P 1:41

MOTION TO PROCEED IN FORMA PAUPERIS

FILED IN CLERK'S OFFICE
U.S. DISTRICT COURT
FOR THE FIRST CIRCUIT

I, MARK GENOVEZOS, am
the appellant in the above entitled case. In support
of my motion to proceed on appeal without being required to prepay
fees, I state that because of my poverty I am unable to prepay the
costs of said proceeding or to give security therefor, that I
believe I am entitled to redress, and that the issues that I desire
to present on appeal are the following:

- (a) District Court erred by dismissal of appellant's failure
to file an application to proceed in forma pauperis pursuant to
28 U.S.C. § 1915(b). (b) District Court abused its authority to dismiss such
claim when the Court filed an "Order To Prison To Provide Requested
account information" entered on April 14, 2005.

I make this application with the understanding that I am
liable under 28 U.S.C. Sec. 1915 for the full payment of all fees,
costs, and sanctions imposed on this appeal; that such charges will
be collected and paid from my prison trust account; and that any
unpaid fees, costs, or sanctions will constitute a debt not
dischargeable in bankruptcy.

I further swear that the responses that I have made on the
attached financial affidavit relating to my ability to prepay the
cost of prosecuting the appeal are true.

July 18, 2005
DATE

Mark Genovezos
SIGNATURE OF APPLICANT

MARK GENOVEZOS
PRINT NAME

FINANCIAL AFFIDAVIT

In Support of a Motion to Proceed In Forma Pauperis

Case Name: Genovezos v. Hodgson, SheriffDocket Number: 05-2033 (District Court #04-12242)Are you now employed? ☐ Yes☒ No

Self Employed

Name & Address of Employer: _____

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IF YES, how much do
you earn per month? \$ _____IF NO, give month & year of
last employment _____
How much did you earn per
month? \$ _____

If married, is your spouse employed?

☐ Yes☒ NoIF YES, how much does your spouse
earn per month \$ _____If a minor under age 21, what
is your parents' or
guardian's approximate
monthly income? \$ _____Have you received in the last 12 months any income from a business,
profession, or other form of self-employment, or in the form of rent
payments, interest, dividend, retirement or annuity payments, or other
sources? ☐ Yes ☒ No

IF YES, give the amount

Received: _____

Sources: _____

received and indentify sources: _____

Have you any cash on hand or money in savings or checking account?

☐ Yes☒ No

If YES, state total amount \$ _____

Do you own any real estate, stocks, bonds, notes, automobiles, or
other valuable property (excluding ordinary household furnishings and
clothing)? ☐ Yes ☒ No

If YES, give value and describe: _____

Value: _____

Description: _____

Marital status: _____ Number of Dependents: _____

☐ Single☐ Married☐ Widowed☒ Separated or DivorcedList persons you actually
support & your relationship

_____Debts & Monthly Bills: (list all creditors, including banks, loan
companies, charge accounts, etc.)

Creditors: _____

Apt. or Home: _____

Total Debt: _____

Monthly Payment: _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

I certify the above to be correct.

Signature of movant: Phil HendersonDate: July 18, 2005[Prisoners must attach a Certified Statement of Institutional Trust
Account.]